

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Special Access for Price Cap Local Exchange Carriers)	WC Docket No. 05-25
)	
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services)	RM-10593
)	
)	

ORDER AND MODIFIED DATA COLLECTION PROTECTIVE ORDER

Adopted: September 18, 2015

Released: September 18, 2015

By the Associate Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, the Wireline Competition Bureau (Bureau) denies the objections filed against the release of confidential and highly confidential information submitted in response to the data collection in the special access proceeding.¹ As discussed below, we reject the majority of the objections for two independent reasons. First, the majority of the objections are untimely challenges to the *Protective Order* that the Bureau adopted in this proceeding on October 1, 2014.² Second, even assuming those objections were timely raised, we reject on the merits the arguments that the information at issue should be withheld from review pursuant to the *Protective Order*. The remaining objections assert deficiencies with the information provided by those seeking access to data. In response to these objections, we clarify the information required from parties seeking access and provide additional time for those raising this issue to object. These remaining objections are otherwise denied. This Order also modifies the *Protective Order* by revising how reviewing parties will gain remote access to the Secure Data Enclave (SDE), i.e., using a software-based Virtual Private Network (VPN) in lieu of hardware-based thin client laptops. Additionally, we describe how we treat certain highly sensitive data to further reduce risks to critical infrastructure while still making it available to authorized parties pursuant to the *Protective Order*.

¹ See *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318 (2012) (*Data Collection Order*); Report and Order, 28 FCC Rcd 13189 (Wireline Comp. Bur. 2013) (*Implementation Order*); Order on Reconsideration, 29 FCC Rcd 10899 (Wireline Comp. Bur. 2014) (*Reconsideration Order*); Order, 29 FCC Rcd 14346 (Wireline Comp. Bur. 2014) (*Extension Order*).

² *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Data Collection Protective Order, 29 FCC Rcd 11657 (Wireline Comp. Bur. 2014) (*Protective Order*).

II. BACKGROUND

2. On December 11, 2012, as part of the special access rulemaking proceeding, the Commission adopted the *Data Collection Order*, initiating a data collection for a comprehensive analysis of the special access market and delegating authority to the Bureau to implement the collection.³ The data collection sought data and information as a critical piece of the evidentiary record necessary for reforming the Commission's special access rules.⁴ Providers and purchasers of special access and certain entities providing "best efforts" broadband Internet access service in areas where the incumbent local exchange carrier (ILEC) is subject to price cap regulation were required to submit data regarding locations with connections, prices charged to customers at the circuit-level, maps showing fiber routes and points of interconnection, revenues and expenditures.⁵ Much of the data and information sought in the collection are competitively sensitive and not publically available.⁶ The last group of data submissions was due by February 27, 2015.⁷

3. In a June 28, 2013 public notice (*Protective Order Public Notice*), the Bureau sought comment on a draft protective order tailored for allowing access to confidential and highly confidential information submitted in response to the special access data collection.⁸ The Bureau sought comment on "various methods of allowing restricted access to highly confidential data in a secure data environment, e.g., either through a secure data enclave in a specific, physical location or by accessing a virtual private network using thin clients to provide virtual desktops."⁹ Five parties filed comments in response to that public notice; only one party, AT&T, Inc., opposed the proposed protective order while most parties generally supported the draft protective order with proposals for clarification and modification that were addressed by the Bureau.¹⁰ Significantly, none of the parties now objecting filed comments. On October 1, 2014, the Bureau adopted the *Protective Order* to govern the process for designating, submitting and accessing highly sensitive information submitted in response to the collection and establishing a Secure Data Enclave (SDE) via the NORC Data Enclave® to securely access and analyze the data.¹¹ No party filed an application for review or petition for reconsideration with respect to the *Protective Order*.

³ See *Data Collection Order*, 27 FCC Rcd at 16340, para. 52 ("The Commission's delegation gives the Bureau authority to: "(a) draft instructions to the data collection and modify the data collection based on public feedback; (b) amend the data collection based on feedback received through the [Paperwork Reduction Act (PRA)] process; (c) make corrections to the data collection to ensure it reflects the Commission's needs as expressed in [the *Data Collection Order*]; . . . (d) issue Bureau-level orders and Public Notices specifying the production of specific types of data, specifying a collection mechanism (including necessary forms or formats), and set[] deadlines for response to ensure that data collections are complied with in a timely manner; and (e) take other such actions as are necessary to implement [the *Data Collection Order*]. . . consistent with [its] terms . . .").

⁴ *Id.* at 16345-49, paras. 66-71.

⁵ *Id.* at 16326-31, paras. 16-29.

⁶ See *Protective Order*, 29 FCC Rcd at 11658, para. 3.

⁷ See *Extension Order*, 29 FCC Rcd at 14346, para. 1.

⁸ *Wireline Competition Bureau Seeks Comment on Protective Order for Special Access Data Collection*, WC Docket No. 05-25, RM-10593, Public Notice, 28 FCC Rcd 9170, 9170 (Wireline Comp. Bur. 2013) (*Protective Order Public Notice*).

⁹ *Id.* at 9171. A thin client is a desktop or laptop computer, without a hard drive, which accesses applications and data remotely from a central server where all data processing and file storage are performed. See *id.* at 11661-62, para. 12 n.34; see also NORC at the University of Chicago, <http://www.norc.org/Research/Capabilities/Pages/data-enclave.aspx>.

¹⁰ *Protective Order*, 29 FCC Rcd at 11660, para. 7.

¹¹ *Id.* at 11658, para. 3.

4. The *Protective Order* limits access to the confidential information collected to counsel and consultants, and their employees, not involved in the competitive decision-making activities of a client in competition with or in a business relationship with a party that submitted data in response to the collection.¹² The *Protective Order* further limits access to the most competitively sensitive information, designated as Highly Confidential Information and Highly Confidential Data, and the NORC Data Enclave to outside counsel and outside consultants who are not involved in competitive decision-making.¹³ To access either Confidential or Highly Confidential Information, requesting parties must file with the Bureau executed Acknowledgements of Confidentiality (Acknowledgments) attached to the *Protective Order* certifying they are not involved in competitive decision-making activities and agreeing to be bound by the terms of the *Protective Order*.¹⁴ The *Protective Order* provides a process for parties who submit Confidential and Highly Confidential Information to the Commission (Submitting Parties) to object to disclosure of information submitted to any party requesting access; in particular, a Submitting Party must file any objection against a party seeking access to their data within five business days of release of a public notice listing the party seeking access.¹⁵ The Bureau released a public notice on June 24, 2015, announcing it would start receiving executed Acknowledgments from persons requesting access to confidential and highly confidential information collected.¹⁶ Fifty individuals executed Acknowledgments in response (each a potential Reviewing Party).¹⁷ The Bureau then released a public notice (*Acknowledgment Public Notice*) on July 10, 2015, identifying those individuals.¹⁸ Pursuant to the terms of the *Protective Order*, Submitting Parties had five business days from the release of the *Acknowledgment Public Notice* to object, until July 17, 2015. Absent the filing of an objection, potential Reviewing Parties would have authorization to access confidential and highly confidential data and information collected once made available by the Bureau.¹⁹

5. The Bureau received eight objections from the following parties: TransWorld Network, Corp. (TransWorld), Santa Rosa Telephone Cooperative, Inc. (Santa Rosa), John Staurulakis, Inc. (JSI) on behalf of 126 clients, US Signal Company, L.L.C. (US Signal), Brown County C-LEC, LLC (Brown County), Service Electric Cable T.V., Inc. (Service Electric), Vantage Point Solutions (Vantage Point) on behalf of 12 clients, and Parker FiberNet, LLC (Parker FiberNet) (collectively, the “Objectors”).²⁰ Santa

¹² *Id.* at 11657, para. 1, 11670-71, Appx. A.

¹³ *Id.* at 11657, para. 1.

¹⁴ *Id.* at 11657, para. 1, 11670-71, Appx. A at para. 1.

¹⁵ *See id.* at 11665, para. 23, 11673, Appx. A at para. 5, 11680, Appx. C.

¹⁶ *Wireline Competition Bureau Now Receiving Acknowledgements of Confidentiality Pursuant to Special Access Data Collection Protective Order*, WC Docket No. 05-25, RM-10593, Public Notice, 30 FCC Rcd 6421 (Wireline Comp. Bur. 2015) (*June 24, 2015 Public Notice*).

¹⁷ *See Parties Seeking Access to Data and Information Filed in Response to the Special Access Data Collection*, WC Docket No. 05-25, RM-10593, Public Notice, 30 FCC 7260, 7262-64, Attach. (Wireline Comp. Bur. rel. Jul. 10, 2015) (*Acknowledgment Public Notice*).

¹⁸ *Id.*

¹⁹ *Protective Order*, 29 FCC Rcd at 11673, Appx. A at para. 5.

²⁰ *See* TransWorld Objection, WC Docket No. 05-25, RM-10593 (filed Jul. 16, 2015) (TransWorld Objection); Santa Rosa Telephone Cooperative, Inc. Objection, WC Docket No. 05-25, RM-10593 (filed Jul. 17, 2015) (filed under the name Jason Tole); Objection to the Release of Data of US Signal Company, L.L.C., WC Docket No. 05-25, RM-10593 (filed Jul. 16, 2015) (US Signal Objection); Vantage Point Solutions Objection to Release of Confidential Information, WC Docket No. 05-25, RM-10593 (filed Jul. 17, 2015) (Vantage Point Objection); Letter from John Kuykendall, JSI Vice President, JSI, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, RM-10593 (filed Jul. 17, 2015) (JSI Objection); Letter from David Nace & Robert S. Koppel, Counsel to Brown County C-LEC, LLC, Lukas Nace Gutierrez & Sachs, LLP, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, RM-10593 (filed Jul. 17, 2015) (Brown County Objection); Service Electric Cable T.V., Inc. Objection to the

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Rosa, JSI, US Signal, Brown County, Service Electric, Vantage Point and Parker FiberNet generally object to the disclosure of their, their clients' or their members' confidential and highly confidential information to any potential Reviewing Parties. TransWorld, Service Electric and Vantage Point object to disclosure until certain additional information is provided to help determine whether to object further against specific individuals seeking access. Additionally, JSI urged the Commission to "strictly adhere to the criteria set forth in the *Protective Order*" and is "confident" in the limitations set forth in the *Protective Order*.²¹ JSI also asked for an additional aggregation of the data beyond what was specified in the *Protective Order*.²² Finally, Service Electric and Vantage Point object to disclosure due to network security risks.²³

6. Sprint Corporation (Sprint) filed a response, urging the Commission to dismiss the objections as untimely challenges to the *Protective Order*.²⁴ Sprint also disagreed with those Objectors seeking additional information on the potential Reviewing Parties, stating the information already provided in the Acknowledgement Public Notice is sufficient.²⁵

III. DISCUSSION

A. The Objections to Any and All Disclosure Under the *Protective Order* Are Untimely Challenges to the *Protective Order*

7. Santa Rosa, JSI, US Signal, Brown County, Service Electric, Vantage Point and Parker FiberNet generally object to the disclosure of their confidential and highly confidential information to anyone, regardless of the procedures set forth in the *Protective Order*.²⁶ Service Electric and US Signal argue against public disclosure in any form because the information is "proprietary" and subject to withholding under Exemption 4 of the Freedom of Information Act (FOIA), which protects trade secrets or confidential commercial or financial information.²⁷ Vantage Point echoed this argument.²⁸ Vantage Point also objects to disclosure because the information sought shows data such as "network location information, which is highly protected for security and competitive reasons."²⁹ Similarly, JSI, US Signal and Vantage Point objected to disclosure to anyone due to the competitively sensitive nature of the data

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Release of Confidential and Highly Confidential Information and Data, WC Docket No. 05-25, RM-10593 (filed Jul. 17, 2015) (Service Electric Objection); Letter from Kristy Parker, Manager, Administrative Services, Parker FiberNet LLC, to FCC, WC Docket No. 05-25, RM-10593 (filed Jul. 17, 2015) (Parker FiberNet Objection).

²¹ JSI Objection at 1-2.

²² *Id.* at 2 (asking for a standard for the aggregation of data analysis so that those authorized to access the data cannot associate it with a specific carrier).

²³ Service Electric Objection at 4; Vantage Point Objection at 2.

²⁴ Letter from Paul Margie, Counsel to Sprint Corporation, Harris Wiltshire & Grannis LLP, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, RM-10593 (filed Jul. 21, 2015) (Sprint Letter).

²⁵ *Id.* at 2.

²⁶ Santa Rosa Objection at 1; JSI Objection at 1-2; US Signal Objection at 4; Brown County Objection at 1; Service Electric Objection at 5; Vantage Point Objection at 3; Parker FiberNet Objection at 1. To the extent any of these objectors seek the non-disclosure of data submitted by other filers not identified in the objection letters, we summarily deny those requests for lack of standing. *See, e.g., Applications of AT&T Inc. and DIRECTV for Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 14-90, Memorandum Opinion and Order, FCC 15-94, para. 31 (stating challenger must allege facts sufficient to demonstrate that agency action would cause it to suffer a direct injury).

²⁷ Service Electric Objection at 2-3; US Signal Objection at 2-3.

²⁸ Vantage Point Objection at 2-3.

²⁹ Vantage Point Objection at 2. Similarly, JSI raised concerns over the disclosure of customer-related information. JSI Objection at 1-2.

submitted.³⁰ Parker FiberNet, Santa Rosa and Brown County object generally to disclosure without any explanatory rational for the nature of the objection.³¹

8. As the Commission recently explained, the procedures contained in protective orders are designed to protect competitively sensitive information from unauthorized disclosure to competitors and the general public at large while still giving interested parties the opportunity, through their appropriate representatives, to participate in the rulemaking proceeding as required by the Administrative Procedure Act (APA).³² The protective order objection process gives Submitting Parties the opportunity to challenge the ability of particular individuals to gain access if the objecting party believes the individuals in question are not qualified under the terms of the *Protective Order*, e.g., because the person seeking access is involved in the competitive decision-making of a Submitting Parties' competitor.³³ The objection process is not intended, however, and may not be used, to collaterally challenge the protective order itself.³⁴ The general objections to the disclosure of information in any form are indirect challenges to the Bureau's order adopting the *Protective Order* and to the protective order process itself.³⁵ As such, they are untimely and we reject such objections for that reason. In the recent *Charter Order*, the Commission also stated that parties who objected to the review of their confidential information pursuant to a protective order would have the opportunity to raise those objections.³⁶ Such objections, however, must be timely raised.³⁷ Here they were not.

9. In fact, the Objectors had the clear opportunity to raise their objections but failed to do so. The Objectors knew the scope of the information they would be required to file when the Commission adopted the *Data Collection Order* on December 11, 2012.³⁸ On June 28, 2013, the Bureau

³⁰ JSI Objection at 1-2; US Signal Objection at 3; Vantage Point Objection at 1-2.

³¹ Parker FiberNet Objection at 1; Santa Rosa Objection at 1; Brown County Objection at 1.

³² *Applications of Charter Communications, Inc., Time Warner Cable Inc., and Advance/Newhouse Partnership For Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 15-149, Order, FCC 15-110, para. 35 (rel. Sept. 11, 2015) (*Charter Order*); see also *Protective Order*, 29 FCC Rcd at 11668, para. 29; 5 U.S.C. § 553(b), (c).

³³ See *id.* at 11665, para. 23, Attach. at 11673, para. 5.

³⁴ *Charter Order* at para. 27; see *Motions for Declaratory Rulings Regarding Commission Rules and Policies for Frequency Coordination in the Private Land Mobile Radio Services*, Memorandum Opinion and Order, 14 FCC Rcd 12752, 12757, para. 11 (1999); *MCI Telecommunications Corp. v. Pacific Northwest Bell Telephone Co.*, Memorandum Opinion and Order, 5 FCC Rcd 216, 228 n. 38 (1990), *recon. denied*, 5 FCC Rcd 3463 (1990) *appeal dismissed sub nom. Mountain States Tel. and Tel. Co. v. FCC*, 951 F. 2d 1259 (10th Cir. 1991) (*per curiam*).

³⁵ See, e.g., *Applications of Lazer Licenses, LLC*, 30 FCC Rcd 6357, para. 4 (Media Bur. 2015) ("We find, as the Commission has, that indirect challenges to decisions that were adopted in proceedings in which the right to review has expired are considered impermissible collateral attacks and are properly denied.") (citation omitted); *M&M Broadcasters, Ltd.*, Letter, 25 FCC Rcd 4942, 4946 (Media Bur. 2010) (finding informal objection amounted to untimely petition for reconsideration).

³⁶ *Charter Order* at paras. 25-26.

³⁷ *Id.*

³⁸ *Data Collection Order*, 27 FCC Rcd 16318. Nor did the Objectors raise their concerns in any of the numerous opportunities they had over the course of the proceeding while the Bureau refined and narrowed the scope of the data collection in 2014 and 2015. That is, based on feedback from potential respondents, including Paperwork Reduction Act (PRA) comments, the Bureau clarified and modified the collection on September 18, 2013. See *Implementation Order*, 28 FCC Rcd 13189; 78 Fed. Reg. 67053 (Nov. 8, 2013). The Bureau subsequently submitted the collection to the Office of Management and Budget (OMB) for review as required by the PRA. See *Reconsideration Order*, 29 FCC Rcd at 10902, para. 8; 78 Fed. Reg. 73861 (Dec. 9, 2013). After receiving comments from interested parties and completing its review, OMB approved the collection subject to modification on August 15, 2014. See *Reconsideration Order*, 29 FCC Rcd at 10902, para. 8; Notice of Office of Management (continued....)

released the *Protective Order Public Notice* seeking comment on a draft version of the protective order and specifically seeking comment on “whether the procedures in the draft *Protective Order* adequately protect the commercial sensitivity of the collected information.”³⁹ In response, the Bureau received five comments, none from the Objectors.⁴⁰ Indeed, most of these commenters generally supported the protective measures with some modification.⁴¹ Nor did the Objectors file a petition for reconsideration or an application for review after adoption of the *Protective Order* on October 1, 2014.⁴² Because the Objectors failed to follow well-established, basic Commission procedures for objecting to the ability of potential Reviewing Parties to review their information pursuant to the *Protective Order*, we dismiss their objections as untimely.

B. The Objections are Unfounded

10. The untimeliness of the objections, with the exception of the request for potential Reviewing Parties to disclose the client represented, provides sufficient grounds for dismissing them.⁴³ Notwithstanding the issue of timing, the Bureau has already considered and addressed many of the issues raised in the objections when it adopted the *Protective Order*. Accordingly, as an additional independent basis for dismissing these objections, we find the Objectors’ requests fail on the merits.

11. For example, Vantage Point and JSI argue that customer information should not be disclosed.⁴⁴ As stated in the *Protective Order*, instead of providing customer names in the billing data, the Bureau will provide reviewing parties with a unique, non-descript identification code. Reviewing Parties will have access to the codes but not the customer names.⁴⁵ Other concerns about protecting the privacy of customer-related information were addressed when the Bureau released its administrative subpoena in January 2015.⁴⁶ Likewise, the Bureau has previously considered Vantage Point’s concern about the protection of network location information by treating such information as highly confidential information and subjecting it to the highest level of protection at the SDE.⁴⁷

12. JSI separately urged the Bureau not to make available any information about JSI’s carrier clients or any individual carriers that would allow “a third party to associate the data with a specific

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and Budget Action, OMB Control No. 3060-1197 (Aug. 15, 2014), http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201311-3060-001#. The collection was finalized in a September 15, 2014 order and became effective on October 27, 2014 after Federal Register notice. *See Reconsideration Order*, 29 FCC Rcd at 10906, para. 16; *see also Data Collection Order*, 27 FCC Rcd at 16358, para. 106; 78 Fed. Reg. 57810 (Sept. 26, 2014). At no time did these Objectors argue that their confidential information should not be made available for review pursuant to a protective order.

³⁹ *Protective Order Public Notice*, 28 FCC Rcd at 9172.

⁴⁰ *Protective Order*, 29 FCC Rcd at 11660, para. 7.

⁴¹ *See, e.g.,* Verizon Comments at 1 (“[T]he *Protective Order* goes beyond previous protective orders in this proceeding and introduces new protections that limit how reviewing parties can access certain information. The Commission correctly concluded that extra steps are necessary . . .”).

⁴² *See* 47 C.F.R. § 1.104(b); *see also* 47 C.F.R. §§ 1.4(b), 1.115(d).

⁴³ *See infra* section III.C.1.

⁴⁴ Vantage Point Objection at 2; JSI Objection at 1.

⁴⁵ *Protective Order*, 29 FCC Rcd at 11663, para. 19 & n. 48 (citing the Commission’s rules protecting “customer proprietary network information” or CPNI, 47 C.F.R. § 64.2001 et seq.).

⁴⁶ *Wireline Competition Bureau Issues Subpoena for Providers in Special Access Data Collection*, WC Docket No. 05-25, RM-10593, Public Notice, 30 FCC Rcd 219, 223-24, Attach. (Wireline Comp. Bur. 2015).

⁴⁷ *Protective Order*, 29 FCC Rcd at 11677, Appx. B.

carrier.”⁴⁸ The collected data identifying market participants is key to the Commission’s proposed structural market analysis.⁴⁹ In the *Protective Order*, we considered the level of data access in the SDE and examined “whether to require that data research results conform to one or more standard rules for identifying disclosure risk before permitting those results to leave the SDE and whether aggregation rules are sufficient to protect commercially sensitive data.”⁵⁰ The only commenter on this issue, AT&T, opposed such rules raising feasibility and attorney work product concerns, and we agreed.⁵¹ We did, however, require the SDE host, with the Bureau’s assistance, to review and consider all requests to remove analysis results from the SDE to ensure a release will not include the underlying data sets, including complete data sets for individual carriers.⁵² In addition, all information removed from the SDE is subject to the *Protective Order*’s non-disclosure requirements. The procedures provided in the *Protective Order* appropriately balanced the need to protect competitively sensitive information while still allowing interested parties to review the data to participate in the proceeding. Accordingly, we reject JSI’s objection.

13. Service Electric and Vantage Point opposed the release of network location information due to the alleged security risks posed.⁵³ Service Electric in particular argues that disclosure of maps of its fiber routes and information on its node locations could jeopardize its network security.⁵⁴ In the *Protective Order*, we recognized the heightened sensitivity of information on network maps and locations served that if disclosed could compromise network security. We agreed with commenters who raised security concerns, taking steps above and beyond the restrictions contained in prior protective orders to secure fiber route and network location information, *e.g.*, placing limitations on removing certain data from the SDE.⁵⁵ We ensured that the selected SDE vendor, NORC, has the appropriate security measures in place, including a robust tracking system to monitor and protect against the unauthorized disclosure of sensitive information, and that the SDE is compliant with federal information security protocols.⁵⁶ NORC as well as Reviewing Parties are subject to similar non-disclosure requirements, subject to sanctions for violations, which we will aggressively enforce.⁵⁷ Finally, as discussed further below, by this Order we take the added step of reformatting fiber route mapping data that will be viewed by authorized Reviewing Parties in the SDE to mitigate risks to critical infrastructure.

14. We next address the Objectors’ general concerns. The Objectors do not argue that any particular provision of the *Protective Order* is insufficient. Rather, they object to the very fact that the *Protective Order* allows review of their confidential information. For example, Service Electric and US Signal both argue their information is confidential and that disclosure, even pursuant to a protective order, could have an adverse competitive impact on them. They generally argue that allowing a competitor to

⁴⁸ JSI Opposition at 1-2.

⁴⁹ See *Data Collection Order*, 27 FCC Rcd at 16345-49, paras. 66-71.

⁵⁰ *Protective Order*, 29 FCC Rcd at 11664, para. 21.

⁵¹ *Id.*; AT&T Comments at 9-10.

⁵² *Protective Order*, 29 FCC Rcd at 11664, para. 21.

⁵³ Service Electric Objection at 4; Vantage Point Objection at 2.

⁵⁴ Service Electric Objection at 4 (arguing that disclosure of fiber network mapping and interconnected node locations “could increase the potential for serious data breaches and exposes Service Electric to possible sabotage”); see *Data Collection* – Question II.A.5.

⁵⁵ *Protective Order*, 29 FCC Rcd at 11661, para. 10.

⁵⁶ *Id.* at 11662, para. 14.

⁵⁷ *Id.*

review their detailed information would allow the competitor to know where best to compete with them.⁵⁸ Vantage Point makes similar arguments and states that the need to protect the information outweighs the need of any requesting parties' access to the data. Brown County, FiberNet and Santa Rosa do not provide any reasons or arguments for their objections but simply state they object to their information being disclosed.⁵⁹

15. In the *Data Collection Order*, the Commission required providers and purchasers of special access service and certain other services to submit data, information and documents to allow the Commission to conduct a comprehensive evaluation of competition in the special access market.⁶⁰ The collected data goes to the core of the competition issues at issue in this proceeding. As the Commission had previously found, "a comprehensive evaluation of competition in the market for special access services is necessary, and that further data to assist us in that evaluation is needed with respect to establishing a new framework for pricing flexibility."⁶¹ The Commission also noted in the *Data Collection Order* that parties had extensive notice and opportunity to comment on the need for and scope of this data collection.⁶² None of the Objectors argue that the information should not be collected or is not needed for the Commission to evaluate the state of competition for special access services.

16. Recognizing the competitive and security sensitivity of the data at issue and the fact that the *Data Collection* collects information from all of the country's special access providers, the Bureau adopted a number of special precautions, well beyond the Commission's standard measures for protective orders. For example, the *Protective Order*, like most of the Commission's protective orders, limits access to highly confidential information, like facilities, pricing and billing data, to outside counsel and outside consultants that are not involved in competitive decision-making activities. Here, however, the Highly Confidential Data is only accessible via the NORC Data Enclave.⁶³ The NORC Data Enclave is fully compliant with the Federal Information Security Management Act (FISMA), the Federal Information Processing Standards (FIPS) and National Institute of Standards and Technology (NIST) Security Plan 800-60 with a NIST FIPS 199 impact rating of "moderate" for the level of confidentiality required.⁶⁴ As

⁵⁸ These parties also argue that the information is subject to withholding from public disclosure under the FOIA. This challenge is misplaced and summarily dismissed. The fact that information may be exempt from release under FOIA only allows the Commission to withhold it from public release; it does not require the Commission to do so. See *Chrysler Corp. v. Brown*, 441 U.S. 281, 292-93 (1979); *Charter Order* at para. 37. Nor does it speak to whether the Commission can or should allow the information to be reviewed pursuant to a protective order. More generally, as the Commission recently explained, because information may be competitively sensitive or confidential does not prevent its review pursuant to a protective order, although competitive sensitivity is a reason to limit its review only pursuant to a protective order. See *Charter Order* at para. 6 ("This showing [under FOIA] applies to requests to publicly disclose confidential information; it does not apply when we permit participants in a proceeding to review confidential information pursuant to a protective order.").

⁵⁹ Brown County Objection at 1; FiberNet Objection at 1; Santa Rosa Objection at 1.

⁶⁰ *Data Collection Order*, 27 FCC Rcd at 16324, para. 13.

⁶¹ *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Report and Order, 27 FCC Rcd 10557, 10561 para. 7 (2012). See also *Data Collection Order*, 27 FCC Rcd at 16345-49, paras. 66-71; *id.* at 16327, para. 19.

⁶² *Data Collection Order*, 27 FCC Rcd at 16339, para. 51.

⁶³ *Protective Order*, 29 FCC Rcd at 11662, para. 13.

⁶⁴ See NORC Data Enclave: The Key to Unlocking Data Securely, NORC at the University of Chicago, http://www.norc.org/PDFs/BD-Brochures/Data%20Enclave_FINAL%20%20July%202012.pdf; see Federal Information Security Management Act of 2002 (FISMA), Pub. L. No. 107-347, 116 Stat. 2899 (codified at 44 U.S.C. §§ 3541-3549 (2006)); National Institute of Standards and Technology, U.S. Dept. of Commerce, Volume I: Guide for Mapping Types of Information and Information Systems to Security Categories at 10 (August 2008), http://csrc.nist.gov/publications/nistpubs/800-60-rev1/SP800-60_Vol1-Rev1.pdf.

such, NORC has the appropriate security measures in place to protect the sensitive nature of the information collected. NORC will administer a robust tracking system to record all information accessed via the SDE to ensure compliance with the *Protective Order* and to assist against inadvertent disclosure.⁶⁵ NORC will process requests for the release of any analysis results to ensure release will not include data sets.⁶⁶ While individuals may access the data remotely through specialized software, remote users will not have the ability to save, email, download or print information using the devices.⁶⁷ In addition, as discussed below, we will take additional steps to protect information on fiber routes and bandwidths sold and purchased within the SDE to further mitigate potential risks to critical infrastructure.

17. While we are mindful of the highly sensitive nature of the information involved in this proceeding, we are also mindful of the general right of the public, and the Commission's desire for the public, to participate in this proceeding in a meaningful way.⁶⁸ As the Commission recently held, allowing limited access to competitively sensitive materials pursuant to the procedures set forth in the Commission's protective orders allows the public (through appropriate representatives) to meaningfully participate in Commission proceedings while also protecting competitively sensitive information from improper disclosure and use.⁶⁹ Accordingly, sensibly balancing the public and private interests involved, the Commission concluded that the procedures set forth in its protective orders serve the public interest and that adopting them "best conduce[s] to the proper dispatch of the Commission's business and to the ends of justice."⁷⁰ The Bureau reached a similar conclusion when we adopted the *Protective Order* in this proceeding and we re-affirm it today.⁷¹ We therefore reject the arguments of the Objectors that their confidential information should not be made available for review pursuant to the *Protective Order*.

C. Clarifications and Modifications Concerning the *Protective Order*

1. Requesting Party Information Needed to Inform Potential Objecting Parties

18. TransWorld, Service Electric and Vantage Point object to the release of their information until the potential Reviewing Parties disclose the clients represented and the intended purpose for accessing the data.⁷² TransWorld and Service Electric also object to the release of their data until the potential Reviewing Parties disclose whether they are seeking access to their confidential and highly confidential information in particular.⁷³ These Objectors base their objections on language in a footnote of the order adopting the *Protective Order*.⁷⁴

⁶⁵ *Protective Order*, 29 FCC Rcd at 11664, para. 20.

⁶⁶ *Id.* at 11664, para. 21.

⁶⁷ *Id.* at 11662, para. 14. Each authorized Reviewing Party will be provided with a restricted access virtual locker on the SDE for saving information, notes and analysis results. *Id.* at 11664, para. 20, 11673, App. A at para. 6.

⁶⁸ See *Charter Order* at para. 14; see also *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816, 24843-44 paras. 43-44 (1998).

⁶⁹ *Charter Order* at para. 14.

⁷⁰ 47 U.S.C. § 154(j); see generally *Charter Order* at para. 14; see also *FCC v. Schreiber*, 381 U.S. 279, 289, 291-94 (1965).

⁷¹ *Protective Order*, 29 FCC Rcd at 11668, para. 29.

⁷² TransWorld Objection at 2-3; Service Electric Objection at 4-5; Vantage Point Objection at 2.

⁷³ TransWorld Objection at 2-3; Service Electric Objection at 4-5.

⁷⁴ See *Protective Order*, 29 FCC Rcd at 11665, para. 23 n.57 ("In addition to identifying the requesting party, we will include details about the requesting party, e.g., job title, employer, client represented, intended purpose for accessing data, to help Submitting Parties evaluate whether to object to the access sought.").

19. The *Protective Order* states the Bureau will identify the client(s) represented by each potential Reviewing Party.⁷⁵ Twenty-seven of the fifty potential Reviewing Parties clearly disclosed the party represented in the proceeding. Since the objections were filed, those firms not identifying the client(s) represented have supplemented the record with this information. Going forward, we clarify that requesting parties seeking access to the special access data must disclose the client(s) represented.⁷⁶ TransWorld, Service Electric and Vantage Point were ultimately provided with this information for those potential Reviewing Parties who had not already provided the information when that information was made public.⁷⁷ However, because some of this information was not known until after the deadline for filing objections, for this subset of twenty-three potential Reviewing Parties, we will allow TransWorld, Service Electric and Vantage Point an additional five business days from the release of this Order to file objections.⁷⁸

20. TransWorld, Service Electric and Vantage Point also want the potential Reviewing Parties to specifically disclose the purpose for seeking access.⁷⁹ However, by virtue of executing the Acknowledgement, each potential Reviewing Party certifies it is seeking access to the data solely to participate in the special access proceeding.⁸⁰ Requiring potential Reviewing Parties to specifically state this purpose when submitting their executed Acknowledgments is thus unnecessary and redundant. We will however make this intended purpose clearer in subsequent public notices announcing potential Reviewing Parties.

2. SDE Only Accessible via VPN in lieu of Thin Clients

21. This Order modifies the procedures described in the *Protective Order* by making available to reviewing parties a software-based, remote VPN solution to access the SDE and special access data in lieu of thin client laptops.⁸¹ The Bureau sought comment in the June 28, 2013 public notice on “allowing restricted access to highly confidential data in a secure data environment” by accessing an SDE through “a virtual private network using thin clients to provide virtual desktops.”⁸² A thin client is a desktop or laptop computer, without a hard drive, which accesses applications and data remotely from a central server where all data processing and file storage are performed.⁸³ In the *Protective Order*, the Bureau found that the thin clients provided a secure and efficient method for reviewing parties to access confidential and highly confidential data. Accordingly, the Bureau required the third party vendor,

⁷⁵ *Id.*

⁷⁶ *See id.*

⁷⁷ *See* Letter from Walter E. Anderson, Harris, Wiltshire & Grannis LLP, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, RM-10593 (filed Jul. 22, 2015); Letter from Eric J. Branfman, Morgan Lewis & Bockius LLP, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, RM-10593 (filed Jul. 27, 2015).

⁷⁸ *See* Appendix 1.

⁷⁹ These objectors point to language in a footnote where the Bureau stated that “[i]n addition to identifying the requesting party [in a public notice], we will include details about the requesting party, e.g., job title, employer, client represented, [and the] intended purpose for accessing data.” *Protective Order*, 29 FCC Rcd at 11665, para. 23 n.57.

⁸⁰ The *Protective Order* limits the use of the special access data to the “the preparation and conduct of this proceeding before the Commission” prohibiting use “for any other purpose.” *Protective Order*, 29 FCC Rcd at 11674, Appx. A at para. 8; *see* Sprint Letter at 1-2.

⁸¹ The notice and comment requirements of the APA do not apply to the issuance or modification of protective orders. *See* 5 U.S.C. § 553(b)(3)(A) (providing notice and comment requirements for rulemaking decisions and listing exemptions to those requirements).

⁸² *Protective Order Public Notice*, 28 FCC Rcd at 9171.

⁸³ *See id.* at 11661-62, para. 12 n.34; *see also* NORC at the University of Chicago, <http://www.norc.org/Research/Capabilities/Pages/data-enclave.aspx>.

NORC, to provide remote access to the SDE through a VPN using thin clients.⁸⁴ The thin client laptops allow access to the “SDE through a VPN but lack hard drives and the ability to save email, download or print information from the SDE.”⁸⁵ Reviewing parties would be able to store its analysis in a virtual locker located in the SDE and accessible only to that party. Further, reviewing parties would be able to obtain upon request physical or electronic copies of its analyses from NORC.⁸⁶

22. At the time the *Protective Order* was adopted on October 1, 2014, NORC utilized thin client laptop hardware to access the NORC Data Enclave and the Bureau described the then current technology used to provide remote secure access for reviewing parties to analyze confidential and highly confidential data. NORC has since upgraded its centralized database SDE software to NORC Data Enclave 3.0® Direct Web Access and no longer utilizes thin client laptops to provide secure remote access. Using NORC’s upgraded system for secure remote access, reviewing parties will now be able to directly download software to their devices and utilize their Internet browser to access the SDE via a secure, encrypted gateway to a web Interface site using three layers of authentication that only allows traffic into the SDE from authorized devices. The NORC remote VPN platform is functionally equivalent to a thin client. While accessing the SDE on their devices, reviewing parties will lack the ability to save, email, download or print information from the SDE.⁸⁷ A reviewing party will still have the ability to store their analyses in a virtual locker located within the SDE environment, which is accessible only to that reviewing party.⁸⁸ Reviewing parties will also still be able to access the same suite of software programs in the SDE that they would have utilized with thin clients.⁸⁹ Additionally, reviewing parties will still have access to the SDE at NORC’s facilities in Bethesda, Maryland.⁹⁰

23. NORC’s remote access solution provides an efficient, cost-effective and secure option for reviewing parties to review data and is fully compliant with federal information security standards.⁹¹ As an added benefit, this solution will decrease the costs of participation in the rulemaking proceeding as reviewing parties will not have to pay for the added cost of procuring thin clients.⁹² Accordingly, we amend the process outlined in the *Protective Order* to reflect the use of this remote access technology.⁹³

D. Fiber Network Mapping and Bandwidth Data Provided to Reviewing Parties

24. We indicated in the *Protective Order* that we would allow reviewing parties to view raw highly confidential data in the SDE with the exception of the names of providers’ customers in their billing data, which we decided would be anonymized in order to protect customers’ privacy interests.⁹⁴ Over the course of the review by the Office of Management and Budget (OMB) of the data collection pursuant to the Paperwork Reduction Act of 1995, and in consultation with other executive agencies, concerns were raised about the potential risks of the collected data on critical communications infrastructure. In response, we take further steps to mitigate this potential risk by providing mapping

⁸⁴ *Protective Order*, 29 FCC Rcd at 11660-61, paras. 8-11.

⁸⁵ *Id.* at 11662, para. 14.

⁸⁶ *Id.* at 11673, para. 6.

⁸⁷ *Id.* at 11662, para. 14.

⁸⁸ *Id.* at 11660, para. 6.

⁸⁹ *Id.* at 11663, paras. 16-17.

⁹⁰ *Id.* at 11673, App. A at para. 6; *see also June 24, 2015 Public Notice*, 30 FCC Rcd at 6421.

⁹¹ *See supra* note 64.

⁹² In the *Protective Order*, we provided that NORC can assess reasonable charges for remote access using a thin client. 29 FCC Rcd at 11662, para. 14.

⁹³ *Id.* at 11673, para. 6.

⁹⁴ *Id.* at 11663, para. 19.

information on fiber routes at the census block level, or alternatively showing distances to connected locations, and we will simply denote sales and purchases of bandwidth in excess of 1 gigabit per second (Gbps) and not provide the specific bandwidth amount in excess of this threshold. Attached to this Order is an appendix listing how these data points in specific tables are provided through the SDE.⁹⁵

25. *Mapping and Node Data.* Competitive providers of dedicated services were required to report fiber network maps as well as interconnection nodes to help the Commission identify facilities that can or could be used to provide dedicated services and the sources of demand for dedicated service.⁹⁶ Providing the exact locations of fiber routes and interconnecting nodes might pose risks to critical infrastructure. Accordingly, we will not reproduce information from providers on the starting points for connections to end user locations or on the transmission paths of the connections to end user locations. Instead, we will provide maps depicting the presence of fiber by listing all the providers with fiber facilities in a census block or by indicating a connected end-user's location's distance to fiber without including information on the specific route of the fiber.⁹⁷ Finally, we will not provide geographic coordinates, Common Language® Location Codes (CLLI™ Codes) and/or street addresses for Incumbent Local Exchange Carrier (ILEC) wire centers.⁹⁸

26. Providing information at this level of detail will not materially impair the ability of reviewing parties to analyze the data and participate in the special access proceeding. While this information may be valuable to test various measures of the presence of competition, the information in the format provided through the SDE is sufficient to conduct such an analysis. In particular, we find it is implausible that a measure of competition that could be reasonably applied across all price cap territories could depend on more granular data than what we plan to release to reviewing parties. On balance, this approach best serves the public interest.⁹⁹

27. *Bandwidth Amounts Above 1 Gbps.* Concerns about the risk to critical infrastructure were also raised during the OMB review process about the release of data on specific locations with high volume bandwidth amounts sold or purchased.¹⁰⁰ To mitigate these risks, we will not specifically identify bandwidth amounts sold or purchased above 1 Gbps. We will instead simply indicate when the amount is above this threshold. Not identifying specific purchases above 1 Gbps is unlikely to have a material effect on interested parties' capacity to analyze the data, e.g., conduct a market power analysis. Once bandwidth amounts exceed 1 Gbps, the marginal cost of providing a higher bandwidth is small relative to the initial cost of deploying the necessary fiber for these higher bandwidth offerings. Accordingly,

⁹⁵ See Appendix 2.

⁹⁶ *Implementation Order*, 29 FCC Rcd at 13198, para. 20; *id.* at 13203-04, para. 34.

⁹⁷ See Instructions for Data Collection for Special Access Proceeding, WC Docket No. 05-25, RM-10593, OMB Control No. 3060-1197, Question II.A.5 (Fiber Network Maps) (dated Dec. 5, 2014), <https://www.fcc.gov/encyclopedia/instructions> (Instructions).

⁹⁸ See Instructions, Question II.A.7 (Collocations by Wire Center); Question II.B.4 (Billing Information Overview); Question II.B.7 (Wire Centers). A CLLI code is "an 11-character, standardized, geographic identifier that uniquely identifies the geographic location of places and certain functional categories of equipment unique to the telecommunications industry. All valid CLLI codes are created, updated and maintained in the Central Location Online Entry System (CLONES) database." See iconectiv COMMON LANGUAGE® Location Information Services (CLLI), product FAQ, <http://www.commonlanguage.com/resources/commonlang/products/showroom/product/clli/CLLIProductFAQ.pdf>.

⁹⁹ We will, however, entertain requests for the data to be reproduced in a different format, so long as the format does not heighten risks to critical infrastructure, and a valid case is made that such information could provide valuable insights to this proceeding that are unlikely to be obtained from the data in the form we release.

¹⁰⁰ See Instructions, Questions II.A.4 (Locations Data for Competitive Providers); Question II.A.12 (Prices by Circuit Element from Competitive Providers); Questions II.B.3 (Locations Data for ILECs); Question II.B.4 (Billing Information Overview).

knowing the exact bandwidth amount in excess of this threshold is of diminishing importance. Simply denoting the sales and purchases in excess of this threshold allows us to strike an appropriate balance between providing potential Reviewing Parties with sufficient information for analysis and mitigating potential risks to critical infrastructure.¹⁰¹

28. *Customer Names.* We have already committed in the *Protective Order* to masking the names of customers in the billing data submitted by providers to protect customer privacy interests.¹⁰² We implement the earlier decision by providing a unique, non-descript identifier for customers in the billing information accessible through the SDE. As noted in the *Protective Order*, it is unlikely that masking customer names will have an impact on reviewing parties' capability to statistically analyze the special access market.¹⁰³

IV. CONCLUSIONS

29. In sum, denying these objections and clarifying and modifying the *Protective Order* appropriately balances the need to protect competitively sensitive and critical infrastructure information with the need of interested parties to participate in the underlying rulemaking proceeding.¹⁰⁴ Requesting parties who have previously submitted requests for access to confidential and highly confidential information need not re-execute Acknowledgments of Confidentiality.¹⁰⁵ This Order makes minor modifications to how those reviewing parties will receive access to the data but does not change their obligations with respect to that data under the *Protective Order*.

V. ORDERING CLAUSES

30. Accordingly, IT IS ORDERED, pursuant to paragraph 5 of the *Protective Order*, 29 FCC Rcd at 11673, Appx. A at para. 5, and sections 1, 4(i), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), and 405 and sections 0.91, 0.291, 1.3, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.91 0.291, 1.3, 1.46, and 1.106 and the authority delegated to the Bureau in the *Data Collection Order*, 27 FCC Rcd at 16340, para. 52, that the objections filed by TransWorld and US Signal on July 16, 2015 and Service Electric, Vantage Point, Santa Rosa, JSI, Brown County and Parker FiberNet on July 17, 2015, ARE DENIED unless otherwise specified.

31. The *Protective Order*, 29 FCC Rcd 11657, is clarified and modified pursuant to sections 4(i), 4(j), and 5(c), 201-205, 211, 215, 218, 219, 303(r), 332 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 155(c), 201-205, 211, 215, 218, 219, 303(r), 332 and 403,

¹⁰¹ Similar to the discussion of fiber network location information above, however, we will entertain requests for the data to be reproduced in a different format, so long as the format does not heighten risks to critical infrastructure, and a valid case is made that such information could provide valuable insights to this proceeding that are unlikely to be obtained from the data we release.

¹⁰² *Protective Order*, 29 FCC Rcd at 11663, para. 19.

¹⁰³ *Id.*; see Instructions, Questions II.A.12 Part 1 (Record Format for Monthly Billing Data by Circuit Element); Question II.A.12 Part 2 (Record Format for Identifying Customers); II.B.4 Part 1 (Record Format for Monthly Billing Data for Circuits by Circuit and Rate Element); II.B.4 Part 2 (Record Format for Identifying Customers).

¹⁰⁴ Consistent with the *Charter Order*, we will not allow access to the filers' data covered by the scope of these objections until the ten business day window for filing challenges has expired without the filing of a challenge. See *Charter Order* at para. 26 ("If the Bureau overrules the objection, we will not require that the information be made available for review pursuant to the protective order for ten business days and, if an application for review is filed within that time, until the Commission acts upon the application for review (if an application for review is not filed within that time, the information will be required to be made available for review pursuant to the terms of the protective order).").

¹⁰⁵ See *Protective Order*, 29 FCC Rcd at 11673, Appx. A at para. 5; *Parties Seeking Access to Data and Information Filed in Response to the Special Access Data Collection*, WC Docket No. 05-25; RM-10593, Public Notice, DA 15-580, Attach. (Wireline Comp. Bur. rel. Jul. 10, 2015).

Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, and the authority delegated by the Commission in the *Data Collection Order*, 27 FCC Rcd 16318, 16340, para. 52 (2012).

32. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Deena M. Shetler
Associate Chief
Wireline Competition Bureau

APPENDIX 1

**Potential Reviewing Parties in which TransWorld, Service Electric and Vantage Point
Have an Additional Five Business Days to file Objections**

Party Filing Acknowledgement (Client(s) Represented) Date(s) Filed	Name, Position, Firm	Highly Confidential	Confidential
Harris Wiltshire & Grannis LLP (Sprint Corporation) 6/25/2015, 7/22/2015	Besen, Stanley M. Senior Consultant, Charles River Associates	X	X
	Bosley, Sarah M. Consultant, Self-employed	X	X
	Gately, Susan M. Owner, SM Gately Consulting LLC	X	X
	Golding, Helen E. Consultant, Self-employed	X	X
	Mitchell, Bridger Economist, Charles River Associates	X	X
Harris Wiltshire & Grannis LLP (Sprint Corporation and Windstream Services, LLC) 6/25/2015, 7/22/2015	Goel, V. Shiva Associate, Harris Wiltshire & Grannis LLP	X	X
	Nakahata, John Partner, Harris Wiltshire & Grannis LLP	X	X
	Smith, April Legal Assistant, Harris Wiltshire & Grannis LLP	X	X
	Tate, Alexandra Legal Assistant, Harris Wiltshire & Grannis LLP	X	X
	Trivolis, Kara Legal Assistant, Harris Wiltshire & Grannis LLP	X	X
Harris Wiltshire & Grannis LLP (Sprint Corporation) 7/2/2015, 7/22/15	Fulton, Thomas Consultant, Self-employed	X	X
	Hearle, Kevin Principal, The Brattle Group	X	X
	McCarthy, Sera Administrative Assistant, The Brattle Group	X	X
	Reyonolds, Robert J. Principal, The Brattle Group	X	X
	Sappington, David Professor, University of Florida	X	X
	Verlinda, Jeremy Senior Associate, The Brattle Group	X	X
	Wilson, Robert Principal, The Brattle Group	X	X
	Zarakas, William Principal, The Brattle Group	X	X
	Zhu, Linyan	X	X

Party Filing Acknowledgement (Client(s) Represented) Date(s) Filed	Name, Position, Firm	Highly Confidential	Confidential
	Research Analyst, The Brattle Group		
Morgan Lewis & Bockius LLP (Granite Telecommunications, LLC and Vonage Holdings, Corp.) 6/30/2015, 7/27/15	Bobeck, Joshua M. Of Counsel, Morgan Lewis & Bockius LLP	X	X
	Branfman, Eric J. Partner, Morgan Lewis & Bockius LLP	X	X
	Britt, M. Renee Senior Paralegal, Morgan Lewis & Bockius LLP	X	X
	Finn, Tamar E. Partner, Morgan Lewis & Bockius LLP	X	X

APPENDIX 2

Modified Data Tables and Fields

Table Name*	Description of Change
IIA4_CP_LOCATION_DATA	For following fields, bandwidth amounts less than 1 Gigabit (GB) denoted as such: Sold_bandwidth_total, Sold_bandwidth_enduser, Sold_bandwidth_tfw, Sold_bandwidth_Mobile, and Bandwidth_Internal
IIA7_CP_COLOC_WIRE	The following fields were removed from the data set: Street_address, ZIP4, Lat, and Long Masked following field: CLLI
IA12_CP_PRICE_CE_PART1	Masked following fields: Customer_ID, Circuit_ID, Billing_Code For following fields bandwidth amounts less than 1 Gigabit (GB) denoted as such: DSn_Bandwidth, OtherCBDS_Bandwidth, and PBDS_Bandwidth
IIA12_CP_ID_PURC_PART2	Dropped table from the data set
IIB3_ILEC_LOCATION_DATA	For following fields, bandwidth amounts less than 1 Gigabit (GB) denoted as such: Sold_bandwidth_total, Sold_bandwidth_enduser, Sold_bandwidth_tfw, and Sold_bandwidth_Mobile
IIB4_ILEC_PRICE_CE_PART1	Masked following fields: Customer_ID, Circuit_ID, Billing_Code For following fields, bandwidth amounts less than 1 Gigabit (GB) denoted as such: DSn_Bandwidth, OtherCBDS_Bandwidth, and PBDS_Bandwidth Masked CLLI codes referenced in following fields: MRP1 and MRP2 Dropped following fields: MRP1_Lat, MRP1_Long, MRP2_Lat, MRP2_Long
IIB4_ILEC_PURC_ID_PART2	Dropped table from the data set
IIB7_ILEC_COLOC_WIRE	Dropped following fields: Street_address, ZIP4, Lat, and Long Masked following field: CLLI

*The table names correspond to table naming conventions for Graphical User Interface (GUI) file names set forth in the Special Access Database Container Technical Manual, Version 1.5, Section 5.1, FCC, at 48 (dated Jan. 23, 2015), https://apps.fcc.gov/edocs_public/attachmatch/DOC-330966A1.pdf. The field names correspond to field names described in the Instructions for Data Collection for Special Access Proceeding, WC Docket No. 05-25, RM-10593, OMB Control No. 3060-1197 (dated Dec. 5, 2014), <https://www.fcc.gov/encyclopedia/instructions>.